



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*MM*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/581,911 06/19/00 ERIKSSON

J 49549-60259

000466 PM82/0906  
YOUNG & THOMPSON  
745 SOUTH 23RD STREET 2ND FLOOR  
ARLINGTON VA 22202

EXAMINER

VALENTI, A

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED:

09/06/01

*6*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/581,911

Applicant(s)

ERIKSSON, JAN

Examiner

Andrea M. Valenti

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

Examiner has included applicant's abstract from the PCT document WO 99/31967, since an abstract was not provided with the 371 of the PCT.

--An animal related apparatus comprises a robot (6) for performing an animal related operation, said robot being associated with a control means, and at least one animal related device (12a) associated with said control means, said robot being provided with a robot arm (8) adapted to move said animal related device towards an animal. According to the invention, a registering means (20a) is provided for registering a cumulative running value, said control means being adapted to generate a signal when a predetermined threshold value has been reached.--

### ***Priority***

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. 0576086 to Cornelis van der Lely in view of U.S. Patent No. 6,079,359 to Karel van den Berg.

Regarding Claim 1, Cornelis discloses an animal related apparatus with a robot (Abstract) for performing an animal relates operation, the robot being associated with a control means, at least one animal related device (Fig. 3 Element #65) associated with the control means (Col. 9 lines 55-58 and Col. 10 lines 1-7), the robot being provided with a robot arm (Fig. 2 Element #34, 35, and 36) adapted to move the animal related device towards the animal. A registering means (Col. 2 lines 1-11, Col. 7 line 1-11), a control means adapted to generate a signal (Claim 2).

Cornelis is silent on a predetermined threshold value. However, Karel discloses a predetermined threshold values for the animal related apparatus with an associated signal (Karel Col. 2 lines 1-15). It would have been obvious to one of ordinary skill in the art to modify the teachings of Cornelis with the teachings of Karel since the modification is merely a means of further automating a the system for cow safety and efficient milk production procedures.

Regarding Claim 2, Cornelis as modified by Karel teaches the registering means is adapted to register the running value of the at least one animal related device (Karel Col. 2 lines 1-15).

Regarding Claim 5, Cornelis as modified by Karel discloses that the animal related device has milking equipment with a teat-cup having a shell and a liner forming an intermediate space, the space being connectable to a source of vacuum via a

pulsator for creating a pulsating vacuum, the pulsator associated with the control means and the control means being adapted to register the cumulative running value of the pulsator (Karel Col. 3 line 1-25).

Claims 3, 4, and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. 0576086 to Cornelis van der Lely as applied to claims 1 and 5 above, and further in view of European Patent No. 0244642 to Eugene P. Finger.

Regarding Claims 3 and 4, Cornelis as modified is silent on the registering means being adapted to register the running value of the driving means and that the running value is the running time of the complete animal related operation. However, Finger teaches improved cumulative operations measurement system registering total operating time for determining routine maintenance (Finger Col. 1 line 1-30). It would have been obvious to one of ordinary skill in the art to modify the teachings of Cornelis with the teachings of Finger to the overall system and to individual devices of the system to assure reliability of the system as taught by Finger (Finger Col. 1 line 31).

Regarding Claims 6 and 7, Cornelis as modified teaches the running value is the running time of the pulsator and the running value is the number of pulsations generated by the pulsator.

Regarding Claim 8, Cornelis as modified teaches that the animal related device has a teat location device (Cornelis Col. 3 line 48) and the running value being the running time.

Regarding Claim 9, Cornelis as modified teaches that the animal related device has a teat cleaning device (Cornelis Col. 3 line 49) and the running value being the running value being the running time.

Regarding Claim 10, Cornelis as modified discloses that the apparatus has a gate means for restricting the movement of the animal from an animal space (Cornelis Fig. 1 Element #5 and 6), the gate being opened and closed by a driving means, and the running value being the running time of the driving means.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,234,109 teaches an animal related apparatus with a control means, a robot arm, animal related devices, analog and digital registers, and an imaging threshold value (Col. 9 lines 25-26 and 44-45).

WO 97/15900 discloses an automatic teat cleaning device, a robot (page 16 line 25), a robot arm (page 18 line 26), a control means (page 22 line 8).

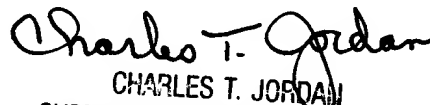
U.S. Patent No. 4,922,855 teaches a milking machine with a completion timer and predetermined values.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

Art Unit: 3643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-4195 for regular communications and 703-305-0285 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4357.

  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 36C0

AMV  
August 29, 2001